

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

DYSON TECHNOLOGY LIMITED )  
and DYSON, INC., )  
Plaintiffs, )  
v. ) Civil Action No. 05-434 GMS  
MAYTAG CORPORATION, ) EXHIBITS C, D, H, I, AND J  
Defendant. ) ARE FILED UNDER SEAL

**AFFIDAVIT OF JOSH GOLDBERG IN SUPPORT OF DEFENDANT  
MAYTAG CORPORATION'S ANSWERING BRIEF IN OPPOSITION TO DYSON'S  
MOTION FOR REARGUMENT**

I, JOSH GOLDBERG, being duly sworn, hereby depose and say:

1. I am an attorney for Maytag Corporation ("Maytag"), Defendant/Counter-Plaintiff in the above matter. I have personal knowledge of the facts set forth in this affidavit, which is filed in support of Maytag's Opposition to Dyson's Motion for Reargument.
2. Attached hereto as Exhibit A is a true and correct copy of Dyson's December 29, 2006 brief in opposition to Maytag's Motion to Transfer Dyson's separate action against Maytag to Delaware from the Southern District of New York.
3. Attached hereto as Exhibit B is a true and correct copy of excerpts of the argument regarding Dyson's request for discovery into Maytag's substantiation of Maytag's no loss of suction claim, heard by the Court in a December 7, 2006 discovery teleconference, at 40-52.
3. Attached hereto as Exhibit C is a true and correct copy of excerpts of the November 14, 2006 deposition of Dyson UK marketing director Clare Mullin at 30-31.
4. Attached hereto as Exhibit D is a true and correct copy of Mullin Deposition Exhibit 4.

5. Attached hereto as Exhibit E is a true and correct copy of the storyboard for Dyson's September 2004 television commercial aired on NBC in the U.S., entitled "Dyson in Factory: It Never Gets Clogged," Bates labeled MAY140959.

6. Attached hereto as Exhibit F is a true and correct copy of a Dyson print advertisement stating "A Dyson doesn't lose suction no matter how far you vacuum," Bates labeled MAY140978.

7. Attached hereto as Exhibit G is a true and correct copy of a Dyson print advertisement stating "Room after room after room a Dyson doesn't lose suction," Bates labeled MAY140979.

8. Attached hereto as Exhibit H is a true and correct copy of excerpts of the November 10, 2006 deposition of Dyson UK product performance manager James Widdowson at 106-108.

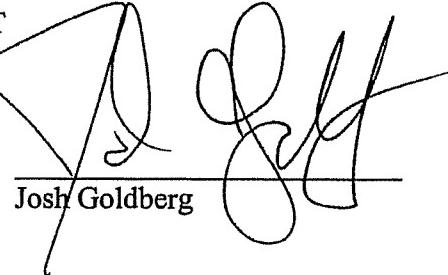
9. Attached hereto as Exhibit I is a true and correct copy of excerpts from the November 2, 2006 deposition of Martin McCourt at 133-134.

10. Attached hereto as Exhibit J is a true and correct copy of October 2002 Hoover in-home test results, Bates labeled MAY007386-MAY007404.

11. Attached hereto as Exhibit K is a true and correct copy of the December 18, 2006 Expert Report of John N. Balough at 1-3.

12. Attached hereto as Exhibit L are true and correct copies of the unpublished cases cited in Maytag's brief.

FURTHER AFFIANT SAYETH NAUGHT

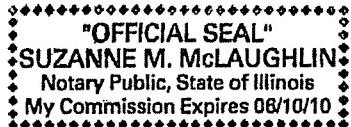


A handwritten signature in black ink, appearing to read "Josh Goldberg". The signature is fluid and cursive, with a large, stylized initial 'J' on the left and more compact letters to the right.

County of Cook

State of Illinois

Sworn to and subscribed in my presence this 5th day of January 2007



Suzanne M. McLaughlin  
Notary Public

SEAL

**CERTIFICATE OF SERVICE**

I, Francis DiGiovanni, hereby certify that on January 5, 2007, copies of the foregoing document were served on the following counsel of record in the manner indicated:

**BY HAND DELIVERY AND E-MAIL:**

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*/s/Francis DiGiovanni*  
Francis DiGiovanni (#3189)

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